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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

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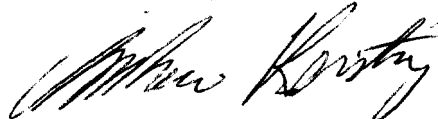
Re: MM Docket No. 87-268
Advanced Television Systems and
Their Impact Upon the Existing
Television Broadcast Service

Dear Ms. Salas:

Enclosed herewith on behalf of The Stanley S. Hubbard Revocable Trust, licensee of Station KOBR(TV), Roswell, New Mexico, are an original and 11 copies of its "Comments in Support of Petition for Reconsideration," filed in connection with the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 24, 1998), in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Andrew S. Kersting
Counsel for The Stanley S. Hubbard Revocable Trust

Enclosures

cc (w/ encl.): Certificate of Service (by hand & first-class mail)

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BEFORE THE

Federal Communications Commission

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MAY 26 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re

Advanced Television Systems and
Their Impact Upon the Existing
Television Broadcast Service

MM Docket No. 87-268

To: The Commission

COMMENTS IN SUPPORT OF PETITION FOR RECONSIDERATION

The Stanley S. Hubbard Revocable Trust ("Hubbard"), licensee of Station KOBRTV, Channel 8, Roswell, New Mexico, by its attorneys, hereby submits its comments in support of the "Petition for Reconsideration of Ramar Communications, Inc.," filed April 20, 1998 ("Petition"), seeking reconsideration of the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 23, 1998) ("MO&O"), in the above-captioned proceeding.¹ In support of these comments, the following is stated:

In its *Sixth Report and Order* in this proceeding, 12 FCC Rcd 14588 (1997), the Commission allotted DTV Channel 38 to Station KOBRTV, and assigned the station a visual effective radiated power (ERP) of 852.1 kw at an antenna height above average terrain of 536 meters. In its *MO&O*, however, the Commission changed KOBRTV's DTV allotment from Channel 38 to Channel 35, and lowered its authorized ERP to 839 kw at the same height. This change in KOBRTV's DTV channel and corresponding reduction in power reduced the station's DTV/NTSC service area replication from

¹ As set forth in its Petition, Ramar Communications, Inc. ("Ramar"), is the licensee of Station KJTV(TV), Lubbock, Texas.

100% to 97.2%.² As a result of the change in KOBR's DTV allotment from Channel 38 to Channel 35, the service area replication of Station KJTV(TV), Lubbock, was reduced from 100% to 94.5%.³

The change in KOBR's DTV allotment apparently was made necessary by the Commission's decision to change the DTV allotment of Station KLBK-TV, Lubbock, Texas, from Channel 40 to Channel 38. According to Ramar's Petition and the accompanying Engineering Statement of Thomas M. Wimberly, the reason the Commission changed the DTV allotment for Station KLBK-TV from Channel 40 to Channel 38 was to avoid the displacement of LPTV Station KGLR-LP, Channel 40, Lubbock.

As demonstrated in Ramar's Petition, the Commission should not permit its desire to preserve the existence of an LPTV station to have such a negative impact upon the viability of existing full-power television stations. Indeed, the Commission has made clear throughout this proceeding that it has retained the secondary status of LPTV stations with respect to digital television and other new primary television services. *MO&O* at ¶105. The Commission also has stated that, as secondary operations, LPTV stations must give way to new operations by primary spectrum users, including full service DTV stations operated by existing broadcasters under its DTV implementation plan. *Id.* Accordingly, although the Commission has made efforts to preserve existing LPTV/TV translator service, the Commission stated that alternative channels would be considered for full service stations only "if they would provide the *same replication* as a station's existing DTV channel and were within 3 channels above or below that channel." *Id.* at ¶107, n.75 (emphasis added).

² See *Sixth Report and Order*, 12 FCC Rcd at 14722 (Appendix B); *MO&O*, Appendix B, p. B-31.

³ See *Sixth Report and Order*, 12 FCC Rcd at 14732 (Appendix B); *MO&O*, Appendix B, p. B-43.

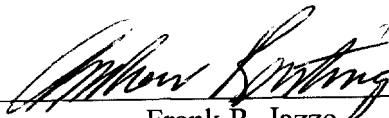
The changes in the DTV Table of Allotments concerning Stations KOBR and KLBK-TV are in direct conflict with the Commission's own statements in its *MO&O*. Despite its pronounced policy concerning the secondary nature of LPTV/TV translator service and the announced standard for determining the existence of suitable replacement full service channels, as stated above, KOBR's DTV/NTSC service replication dropped from 100% on its initial allotment of Channel 38 to 97.2% on the Channel 35 DTV allotment contained in the *MO&O*. Similarly, although its DTV allotment did not change, KJTV's replication match dropped from 100% to 94.5% (a loss of 5.5%) as a result of the changes in the DTV Table.

As demonstrated in Ramar's Petition, there is an available solution to the decrease in DTV/NTSC replication coverage provided by the DTV allotments to Stations KOBR and KJTV as set forth in the *MO&O*. The Commission should simply reinstate the DTV allotments for Stations KOBR and KLBK-TV that were initially made in the *Sixth Report and Order* by allotting KOBR DTV Channel 38, and KLBK-TV DTV Channel 40. For the reasons stated in Ramar's Petition, Hubbard agrees with Ramar that the Commission should explore all potentially viable solutions before subjecting full power DTV stations to unnecessary interference, solely in the interests of preserving a secondary service.

WHEREFORE, in light of the foregoing, Hubbard respectfully requests that the Commission GRANT reconsideration of its *MO&O* to the extent indicated in the "Petition for Reconsideration of Ramar Communications, Inc."

Respectfully submitted,

THE STANLEY S. HUBBARD
REVOCABLE TRUST

By: 
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May 26, 1998

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CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 26th day of May, 1998, copies of the foregoing "Comments in Support of Petition for Reconsideration" were hand delivered or mailed first-class, postage pre-paid, to the following:

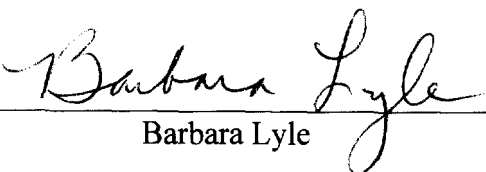
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